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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,025

12/08/2003

Steve Roman Michel Van Den Berghe

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04/20/2006

SUGHRUE MION, PLLC
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EXAMINER

PATEL, SHAMBHAVI K.

ART UNIT

PAPER NUMBER

2128

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,025

Applicant(s)

VAN DEN BERGHE ET AL.

Examiner

Shambhavi Patel

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/8/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-10 are pending.

Drawings

The drawings are objected to because the blocks contained in the drawings do not have labels or descriptions.

Specification

The abstract of the disclosure is objected to because it contains legal phraseology (i.e. said) and references to the drawings. The language of the abstract should be narrative. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: the disclosure does not contain any headings (i.e. 'Summary of the Invention', 'Detailed Description').

Appropriate correction is required.

Claim Objections

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Claims 5-8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-8 have not been further treated on the merits.

Claims 1-10 are objected to because they contain references to the drawings.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationship is the relationship between the generic module/step and the specific module/step.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 5-8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-8 have not been further treated on the merits.

Claims 1-10 are objected to because they contain references to the drawings.

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2. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The Examiner asserts that the current state of the claim language is such that a reasonable interpretation of the claims would not result in any concrete or tangible products.

As per claim 1, 9, and 10, the bodies of the claim cite a generic module or step and a specific module or step for interfacing with integrated circuit. However, no tangible output is produced.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-3, and 9-10** are rejected under 35 U.S.C. 102(e) as being anticipated by Van Gerrevink (US Patent No. 6,950,405).

As per **claim 1, 9, and 10**, Van Gerrevink is directed to a processor program product to be run via a processor-system for generating and/or analysing traffic signals for testing an integrated-circuit-simulation (column 2 lines 65-67; column 3 lines 1-3) running via said

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processor-system, which integrated-circuit-simulation is designed to handle traffic signals (column 4 lines 19-25), characterised in that said processor program product comprises:

- a. at least one generic module (column 4 lines 53-56). As per the specification, the generic module is responsible for generating traffic by taking into account adjustable parameters, such as the data flow or bandwidth requirements (specification page 6). The generic module is analogous to the traffic generator disclosed by Van Gerrevink (columns 5-7). The traffic generator generates traffic according to a selected traffic class template (column 5 lines 29-31). The traffic generator can vary the data flow (column 8 lines 18-20) and bandwidth (column 8 lines 25-28).
- b. at least one specific module with at least one specific module being designed for interfacing said computer program product with a protocol used in said integrated-circuit-simulation (column 4 lines 56-63).

As per **claims 2 and 3**, Van Gerrevink is directed to the processor program product according to claim 1, characterised in that said protocol comprises a traffic protocol, specifically an Internet-Protocol (column 3 lines 18-20; column 4 lines 56-63).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Van Gerrenvink* in view of *D&R ('Xilinx and AMCC Announce Plans to Support AMCC's FlexBus3 and FlexBus4 SONET/SDH System Buses with FPGA Solutions')*.

Van Gerrenvink fails to disclose supporting the FlexBus4 or SPI4.2 protocol.

D&R teaches using FlexBus to link layer devices (such as a router) to a processor.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of Van Gerrenvink and D&R because Flexbus, due to its early hardware availability and versatility, is one of the most common interfaces used on line cards today, used in applications such as routers and switches (D&R page 1).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shambhavi Patel whose telephone number is 571 272 5877. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on (571)272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shambhavi Patel
Examiner
Art Unit 2128

SP


KAMINI SHAH
SUPERVISORY PATENT EXAMINER